

Subject: DELEGATION AGREEMENTS (DPA/SPB)

REFERENCES	SECTIONS
Classification and Pay (C & P) Guide	250, 260, 440, 375, 340, 300, 320, 335, 400-499, 100-199,
Law & Regulation http://www.dpa.ca.gov/statesys/dpa/laws.htm http://www.dpa.ca.gov/statesys/dpa/oalrules.htm	GC: 18572, 18654, 19836, 19991.10 Rule: 599.674-599.676
Memo of Understanding (MOU) http://www.dpa.ca.gov/collbarg/contract/bumenu.shtm	Refer to Employee's MOU
Pay Scales http://www.dpa.ca.gov/jobinfo/pay_scales/toc.shtm	Section 5-Hire Above Minimum (HAM)
Personnel Management Policy and Procedures Manual (PMPPM)	Check applicable sections
Responsible Control Agency and Program	State Personnel Board Department of Personnel Administration
Selection Manual (Old)	4200, 5205, 5720, 5730
SPB/DPA Policy Memos http://www.spb.ca.gov/pinkies.htm http://www.dpa.ca.gov/statesys/dpa/src/hfpml.shtm	SPB Pinkie: 6/15/95, 4/5/94, 9/23/93, 9/29/92 PML: 98-007, 2005-012, 2005-025

Delegation Agreements (DPA/SPB)

Definition/ explanation

A delegation agreement is a contract between the Department of Personnel Administration (DPA) and DGS, and the State Personnel Board (SPB) and DGS that gives DGS the authority and responsibility for reviewing and approving certain aspects of the personnel management program functions on a limited and controlled basis. The agreements are automatically renewed each year.

DPA's delegations include:

- Out-of-Class Assignments (Beyond 120 days – for non-represented employees only) (Refer to C&P Manual Section 375 for alternatives)
- Hiring Above Minimum (HAM) (C&P Manual Section 250)
- Position Allocation
- Administrative Time Off (ATO) – Beyond 5 days
- Merit Salary Adjustments (MSAs) – Limited Term Employees
- Red Circle Rates (C&P Manual Section 260 and 540)
- Class modification (class specification revisions) including union notification (C&P Manual Section 100)
- Special consultant appointments (C&P Manual Section 340)
- Demotional Charts (all classes based on DPA's Layoff Manual)
- Exception to the Salary Rules
- Career Executive Assignments (CEA)
- Classification Establishment
- Backdating Appointments

SPB's delegations include:

- Promotional Temporary Authorization Appointments (TAUs)
- Backdating/Correcting Appointments
- Limited Term Appointment Extensions
- Certification Lists – Expiration Dates
- Temporary assignment extensions
- Demotional Training and Development (T&D) assignments
- Review of recruitment plans
- Temporary Authorization Utilization (TAU) appointments
- Transfer of list eligibility
- Withhold from list for failure to meet minimum qualifications (MQs)

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Delegation Agreements (DPA/SPB), Continued

DPA delegations

The following sub-headings discuss the process for the various DPA delegations.

Out-of-Class Assignments (OOC)

DGS has authority to approve OOC assignments as provided in the Bargaining Unit Contracts; and, for supervisory to supervisory, or supervisory to managerial, or confidential, or other non-managerial excluded employees OOC assignments, DGS may approve OOC for up to one year. Managerial to managerial OOC assignments must go to the DPA for pre-approval. The Government Code (GC) does not allow for departments to provide OOC pay that exceeds one year. (C&P Guide 375)

Hiring Above Minimum (HAM)

DPA grants DGS authority to hire employees above the minimum salary level for extraordinary qualifications, former legislative employees, and former exempt employees. Exceptions must be approved by the DPA. (C&P Guide 250)

Position Allocation

*DPA grants DGS authority to approve position allocation decisions that meet the guidelines for most all classifications. However, DPA approval is required (625) for the following classifications **for any action (new allocation, back fill, reorganization, change in duties, etc.)**(C&P Guide 300, 320, 335):*

- *Staff Services Manager I (Specialist)*
- *Staff Services Manager II (Specialist)*
- *Staff Services Manager III (Specialist)*
- *Data Processing IV*
- *Staff Counsel IV*
- *Labor Relations Specialist*
- *Labor Relations Analyst*
- *Labor Relations Manager*

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Delegation Agreements (DPA/SPB), Continued

**DPA
delegations
(continued)**

Administrative Time Off (ATO)

*The DPA grants the DGS the authority to approve up to 30 days ATO.
The DPA must review ATO that exceeds 30 days. (GC 19991.10)*

Merit Salary Adjustments (MSA) – Limited Term (LT) Employees

*The DPA grants the DGS authority to approve/deny merit salary
adjustments to limited term employees in temporary positions per
Government Code Section 19836.*

Red Circle Rates

*The DPA grants the DGS authority to approve red circle rates for general
Civil Service employees and Career Executive Assignment (CEA)
positions (90 days). Civil Service red circle rates are prohibited during
fiscally driven layoffs. Benefits cannot be red circled. (C&P Guide 260,
540)*

Classification Modification (classification specification revision)

*The DPA grants the DGS submission of staff Board Items directly to the
SPB with a copy sent to the DPA. Non-hearing and Hearing Board Items
must be submitted through DPA. DPA will handle all contact with the
unions on all staff Board Items. (C&P Guide 100-199)*

Special Consultant Appointments

*The DPA grants the DGS authority to approve Special Consultants for
situations that meet the guidelines. DPA must review all exceptions,
including salaries that exceed the maximum specified in the C&P Guide.
DGS needs to coordinate with the SPB. Any special consultant used
pending exempt appointments must be approved by the DPA Exempt
Unit. (C&P Guide 340)*

Demotional Charts

*The DPA grants the DGS authority to prepare demotional charts for
departmental-specific/servicewide/all classifications. The DPA will
continue to review and approve the demotional charts.*

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Delegation Agreements (DPA/SPB), Continued

DPA delegations (continued)

Exception to the Salary Rules

The DPA grants the DGS the authority to approve an exception to the salary rules under the following circumstances (DPA Rules 599.674-599.676):

- *When there is a salary loss upon transfer to a deep classification*
- *When there is a reappointment or reinstatement without a break in service*

Career Executive Assignment (CEA)

The DPA grants the DGS to directly submit requests to establish new CEA positions to the SPB with a concurrent copy (that includes a 625 cover sheet) sent to DPA for processing. All changes to salary caps must go to the DPA for approval. All exceptions to established CEA levels criteria must continue to go the DOA for review and approval. C&P Guide 400-499, PML 98-007)

Classification Establishment

All non-hearing and Hearing Board Items either establishing new classifications or revising existing classifications will be submitted through DPA. (C&P Guide 100-199)

Staff reductions/ layoffs

All delegated functions are subject to cancellation during a staff reduction or layoff per discussions with DGS C&P representative and/or the Department of Finance (DOF) budget instructions.

Audit requirements

The DGS is required to keep proper documentation of all delegated decisions according to the requirements outlined in the C&P guide sections for the above topics. The DGS is required to submit a complete set of organization charts annually on July 1, and prior to any major reorganization.

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Delegation Agreements (DPA/SPB), Continued

SPB delegations

The following sub-headings discuss the process for the various SPB delegations.

Promotional, Temporary Authorization Appointments (TAU)

To prevent pre-selection and/or providing an unfair advantage to one employee over another, promotional TAUs should be very rare. Promotional TAU appointments should only be approved when it has been demonstrated that there is an urgent need for the appointment. An example of "urgent need" is vital medical services will be denied if the position remains unfilled or a critical administrative or legislative mandate would remain incomplete. Prior to approving a promotional TAU appointment, consideration must be given to out-of-class assignments allowed through the bargaining unit contract and/or feasibility of rotating staff on an acting basis into the position until the examination can be completed. If the employee is an "M" designated classification, TAUs are not appropriate. Managerial employees may be assigned duties at a higher level without compensation.

Limited Term Appointment Extensions

The SPB grants the DGS the authority to extend limited-term appointments beyond two years provided that the extension meets the criteria of GC 19080.4 (to complete construction projects still in progress only).

Backdating/Correcting Appointments

The SPB grants the DGS the authority to backdate appointments and/or make corrections to an individual's employee history up to a maximum of three years subject to the following criteria (C&P Guide 320), otherwise no more than 60 days:

- *The department has verification that the individual was eligible for the classification, tenure, and time base on the date the appointment is to be made; and*
- *The individual was performing the duties of the classification on the date the appointment is to be made.*

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Delegation Agreements (DPA/SPB), Continued

**SPB
delegations
SPB
delegations
(continued)**

Certification Lists – Expiration Dates

The SPB grants the DGS the authority to allow for certification lists to remain active until closed by the department provided:

- *No certification list is ever extended beyond the life of the eligible list (e.g., 4 or 6-year limitation).*
- *The certification list is extended only for the position advertised.*
- *The list is adjusted when veterans preference points are added to an individual's score, and*
- *The candidates that have chosen to be inactive are placed back on the list in a timely manner when they request in writing that their eligibility be reactivated.*

The DGS is expected to comply with the criteria in the law, regulations and selection manual (old) sections for the respective actions, and to retain for post-audit purposes sufficient documentation to show that the criteria were met for the following additional delegations:

Action	Law & Regulation Reference	Selection Manual Reference
Temporary assignment extension	GC 19050.8 2CCR 426-427, 441-444	PMPPM 340-343
Demotional T&D assignments	GC 19050.8 2ccR 426-427, 441-444	PMPPM 340-343
Review of recruitment plans	GC 19230-19237	Selection Manual (SM) 4470
TAUs	GC 19058-19059 2CCR 265	PMPPM 330 SM 3600
Transfer of list eligibility	GC 18950 2CCR 154,240	SM 6915
Withhold from list for failure to meet MQs	GC 18935(a)	SM 7400